(1) C.S.1004 (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

W.P. NO. 1780 /2004

PETITIONER : Radheshyam Agrawal, aged about 73 years, S/o. Late Shri Bhooramal Agrawal, Occupation: Forest Contractor, Resident of Ramanujganj Road, Ambikapur, District Surguja, Chhattisgarh

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Through: Its Secretary, Department of Forest, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh
2. Divisional Forest Officer/ Licensing Authority, South Surguja Forest Division, Ambikapur, District Surguja, Chhattisgarh
3. Conservator of Forest/ Appellate Authority, Surguja Circle, Ambikapur, District Surguja, Chhattisgarh
4. Shri V.S. Dhruv, Divisional Forest Officer, East Surguja Forest Division, Ambikapur, District Surguja, Chhattisgarh

P.R. No. 1470/04
Presented by Shri Rajesh Tiwari
dt. 25-6-04

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28/6/04
Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(77)

आदेश पत्रक

मामला क्रमांक W.P.NO.1780/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12/08/2004

Shri Sunil Sinha, counsel for the petitioner.

Shri Sumesh Bajaj, Deputy Govt. Advocate for respondents No. 1 to 3/State.

None appears on behalf of respondent No. 4 in spite of service of notice on him.

I have heard learned counsel for the parties.

By this writ petition, the petitioner has challenged the order dated 13.4.2004 (Annexure P/2) whereby the petitioner was required to show cause. Apart from that in the second part of the same notice, it was directed that until further orders, the Saw Mill should be closed and they should co-operate with the team for physical verification and checking up the wood items lying in the Saw Mill.

Learned counsel for the petitioner submits that the reply to show cause has already been filed.

Learned counsel for the petitioner, at the outset, submits that as far as the first part is concerned, at this stage he is not challenging the same as reply to show cause has already been filed. He further submits that the main grievance of the petitioner is that the respondent No.2 was not authorized to order for closure of the Saw Mill because as per the provisions of Sub-Section (5) of Section 6 of M.P. (Kashtha Chiran Viniyaman) Adhiniyam 1984, the respondent No. 2 was not entitled to order for closure of the Saw Mill without giving an opportunity of showing cause to the

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

78

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner whereas the respondent No.2 without giving an opportunity to show cause, ordered for closure of the Saw Mill.

On the other hand, learned Dy. Govt. Advocate submitted that in fact it was not an order for closure of the Saw Mill, but the petitioner was directed to stop the work till the physical verification of the wood lying in the Saw Mill. He further submits that since the physical verification has already been done.

Having heard the learned counsel for the parties, having regard to the facts and circumstances of the case and as per the arguments of the learned counsel for the respondents/State that the closure was ordered for a limited period till the physical verification and inspection of the wood lying in the Saw Mill and that part is over, therefore, in the circumstances, the petitioner is allowed to operate the Saw Mill subject to any final order passed in response to show cause notice by the respondent No.2.

In view of the above order, the Writ Petition as well as M.W.P.No.1591/2004 stand disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Rajn

19.10

19.10

[पीछे देखिये